

Application Number 09/900,493  
Responsive to Advisory Action mailed October 27, 2006

### REMARKS

This amendment is responsive to the August 11, 2006, and the Advisory Action mailed October 27, 2006. Applicant has amended claims 1, 4-7, 14-16 and 19. Claims 1, 2, 4-9 and 12-20 remain pending.

#### Response to Examiner's Arguments

In the Advisory Action, pg 2, the Examiner stated that

*[T]he features upon which applicant relies, such as the intermediary device performing the authentication, are not recited in the rejected claims. ... It is unclear from the present claim language that the authentication step is performed by the intermediary device, especially since a previous limitation states forwarding the decrypted, unauthenticated application data to the server via the secure network. Giving the claims their broadest reasonable interpretation, the Examiner interprets that authenticating step to be performed [sic] at the server."*

Applicant submits that the currently pending claims are clear in this regard. For example, claim 1 specifically states "the method performed on an intermediate apparatus coupled to the secure network and the open network." Nevertheless, in order to expedite prosecution, Applicant has made a non-narrowing claim amendment for purposes unrelated to patentability to make clear that authentication of the security record is performed by the intermediate device and not at the server.

In the Advisory Action, the Examiner also maintained his position that the claim term "security record" could be read so as to encompass an entire secure session, i.e., that the session itself is a security record. Applicant disagrees for numerous reasons, including the fact that claims use the terms "communication session" and "security record" separately, which provides a clear indication that the terms refer to different elements when the claims are read as a whole. Nevertheless, Applicant has made a non-narrowing amendment to make clear that a security session is different from a security record and that the intermediate device receives a plurality of security records over the communication session.

Applicant submits that the pending claims are patentably distinct from the cited references. Applicants respectfully request reconsideration and prompt allowance of all pending claims.

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**Claim Rejection Under 35 U.S.C. § 103**

In the Final Office Action, the Examiner rejected claims 1, 2, 4, 5, 7-9, 12, 13, 16-19 under 35 U.S.C. 103(a) as being unpatentable over Jardin (USPN 6,681,327) in view of Lockhart et al. (USPN 5,841,873). The Examiner rejected claims 6, 14, 15, and 20 under 35 U.S.C. 103(a) as being unpatentable over Jardin in view of Lockhart and in further view of Lin et al. (USPN 6,052,785). Applicant respectfully traverses the rejection.

As a preliminary comment, Applicant thanks the Examiner for his clarifying remarks on pg. 2 of the Advisory Action in response to Applicant's arguments. Applicant better understands the Examiner position. Applicant traverses the rejection and submits that the claims in their current form are patentably distinct from Jardin in view of Lockhart. Applicant respectfully requests that the Examiner reconsider the claims in view of the remarks set forth herein.

Applicant's independent claim 1 is directed to a method in which an intermediary apparatus negotiates a secure communications session with a client. Amended claim 1 makes clear that the secure communications session provides for communication of application data from the client to the intermediary apparatus via a plurality of security records. Applicant submits that the language of claim 1 makes clear the difference between the secure communication session and the plurality of security records that the intermediate apparatus receives over that secure communications session.

Further, Applicant has amended claim 1 to clarify that authentication of the security records received from the communications session is performed by the intermediary apparatus and not the server. For example, claim 1 requires that, upon receipt of the final packet of a given security record, a remaining, non-discarded portion of the decrypted, unauthenticated application data for the security record is processed with the intermediary apparatus to authenticate that security record.

For reasons previously set forth by the Applicant in detail, the cited references fail to disclose these elements of claim 1. For example, the Examiner stated his position in the Office Action, paragraph 9, pg. 3, as "Jardin discloses redirecting decrypted packets for fulfillment ... Jardin discloses that the server broker decrypts the packets and forwards them to the server for fulfillment (i.e., authentication)." In the Advisory Action, the Examiner similarly made clear that he was interpreting the "authenticating step" as "performed at the server." The language of claim

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I should clearly distinguish the claim from the Examiner's position that the Jardin server broker decrypts the packets and then the server "authenticates" the decrypted packets by fulfilling the transaction.

In addition, Applicant's claim 1, as amended, clarifies that, prior to receiving a final packet of one of the security records, the packets for the security record are processed by the intermediary apparatus by decrypting the encrypted application data in the received data packets, forwarding decrypted, unauthenticated application data to the server prior to authenticating the security record with the intermediary apparatus, and discarding at least a portion of the decrypted, unauthenticated application data for that security records.

None of the references, either singularly or in combination, teach or suggest processing security records for a communications session in this fashion, i.e., by decrypting, forwarding and discarding packets for a portion of the security record with the intermediary apparatus prior to even authenticating the security record with the intermediary apparatus.

For at least these reasons, Jardin in view of Lockhart et al. and in further view of Lin fails to establish a *prima facie* case for non-patentability of Applicants' claims under 35 U.S.C. 103(a). Withdrawal of this rejection is requested. Applicant traverses the rejection with respect to the other claims.

### CONCLUSION

All claims in this application are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of all pending claims. Please charge any additional fees or credit any overpayment to deposit account number 50-1778. The Examiner is invited to telephone the below-signed attorney to discuss this application.

Date:

By:

November 10, 2006

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